

REMARKS

Claims 20, 21, 23, 24 and 26 – 28 are pending, and claims 24, 26 and 28 are withdrawn. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 20, 23 and 26 have been amended to remedy cosmetic defects.

Claim 1 was objected to for containing improper group language. Claim 1 was previously canceled, therefore the objection is believed to apply to independent claim 20. Claim 20 has been amended, and withdrawal of the objection is respectfully requested.

Claims 20, 21, 23 and 27 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement, for the reasons stated in the office action. Claim 20 is amended to remedy the wording listed in the office action.

Claims 20, 21, 23 and 27 were rejected under 35 USC 112, second paragraph, as being indefinite. Claim 20 is amended to remedy the instances of indefiniteness identified in the office action.

Claims 20, 21, 23 and 27 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,852,108, Yamanaka et al. ("Yamanaka"). The rejection is respectfully traversed for reasons including the following, which are provided by way of example.

As described in the application, one or more embodiments is directed to a porous film of a polymer material for a non-aqueous electrolyte secondary battery. One or more aspects can provide an improved porous film of polymer material, having a high resistance to the electrolyte by modifying at least a portion of the polymer material by a modifier, as further recited.

Without conceding that Yamanaka discloses any feature of the present invention, Yamanaka relates to a composite particulate material for resin reinforcement. According to Yamanaka, the composite particulate material for resin reinforcement comprises an inorganic particulate material (A) and an elastic polymer (B). (E.g., Abstract.)

The office action asserts that Yamanaka discloses the invention as claimed. To the contrary, Yamanaka fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. Yamanaka fails to teach or suggest, for example, that “at least a portion of the polymer material is modified by a modifier, the modifier having at least two successive carbon atoms bonded to carbon atoms of the backbone chain and having a predetermined substituent different from the substitutional group” (of the polymer material). (See claim 20.) Yamanaka fails to teach or suggest, for example, these elements recited in independent claim 20. It is respectfully submitted therefore that claim 20 is patentable over Yamanaka.

For at least these reasons, the combination of features recited in independent claim 20, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Yamanaka clearly fails to show other claimed features as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 20, but also because of additional features they recite in combination.

The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shows any element recited in the claims. However, the applicants have

provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



David G. Posz
Reg. No. 37,701

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400